IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.7898 of 1997

Between:

1. The Government College Gazetted Teachers' Association, Andhra Pradesh represented by its General Secretary, S.D.Subba Reddy, S/o Koti Reddy, 49 years, Lecturer in Government College, Khammam.

2. Dr. K.Subba Rao, S/o K.V.A.Sastry, 49 years, Lecturer in Botany, SKNR Government Degree College, Jagtial, Karimnagar District.

3. G.Pratap Rao,S/o G.Ramachander Rao, 55 years, Lecturer in Physics, SKNR Government College, Jagtial, Karimnagar District.

4. P.Lalitha Soudamini, D/o P.Srinivasa Rao, Lecturer in English, Y.A.Government College for Women, Chirala.

5. Ambaty Swarajya Laxmi, D/o A.Subramanyam, 50 years, Lecturer in Economics, Government College for Women, Begumpet, Secunlderabad.

6. M.A.Hameed, S/o M.A.Hakeem, 50 years, Lecturer in Commerce, Government Degree College (W), Mahaboobnagar.

7. D.Veerabhadraiah, S/o D.Vannurappa, 50 years, Lecturer in Physics, PVKN Government College, Chittoor.

8. C.Ramana Prasad, S/o Rama Murthy, 51 years, Lecturer in Physics, SRBGNR Government College, Khammam.

9. K.Nagabhushana Rao, S/o Ganga Raju, 51 years, Lecturer in Physics Geo, JVR Government College, Sathupalli.

10. B.Tirupathi Rao, S/o Surta Prakash Rao, 52 years, Lecturer in Chemistry, SR&BGNR Government College, Khammam.

11. P.Vijaya Kumar, S/o P.Ramulu, 48 years, Lecturer in Commerce, Kakathiya

Government College, Hanamakonda, Warangal District.

12. P.Nagabhushanam, S/o Venkata Subbaiah, 56 years, Lecturer in English, Government Degree College (Men), Cuddapah.

13. M.C.Venkata Subbaiah, S/o M.C.Subbaiah, 50 years, Lecturer in Zoology, Government Degree College (Men), Cuddapah.

14. A.Venkata Subbaiah, S/o A.Venkata Subbaiah, 50 years, Lecturer in Physics, Silver Jubilee College, Kurnool.

15. K.Raj Kumari, W/o T.M.Keswani, 54 years, Lecturer in Hindi, Government College for Women, Warangal.

16. Smt. G.Vasantha, D/o.G.S.Gouri Shankar, 60 years,Lecturer in Economics, retd.from Indira Priyadarsini College, Nampally, Hyderabad.

17. Smt.P.B.Malini Sukumari, D/o.Sri P.Ghana Mani, 49 years,Lecturer in English, IP Government Degree College, Nampally, Hyderabad.

18. Dr.D.Siva Rama Murthy, S/o.Venkata Subramanya Sastry, 56 years, Lecturer in Telugu, Government College (Men), Srikakulam.

19. G.Mohan Rao, S/o.Papa Rao, 50 years, Lecturer in Zoology, Government Decree College (Men), Srikakulam.

20. I.Rama Chandra Murthy, S/o.I.Rama Rao, 53 years, Lecturer in Telugu, Government Degree College, Baruka, Srikakulam District.

21. C.Rama Rao, S/o.Venkata Kotaiah, 48 years, Lecturer in Chemistry, Government College (Men), Srikakulam.

22. M.Sree Rami Reddy, S/o.Bayyapa Reddy, 52 years, Lecturer in Botany, Government Degree College (Men), Chittoor.

23. Dr.K.Veera Venkataiah, S/o.K.Yellaiah, 52 years, Reader in Economics, Government Degree College, Huzurabad, Karimnagar District.

24. M.Devasahayam, S/o.Trimurthy, 57 years, Lecturer in Economics, Government Degree College, Vinukonda, Guntur District.

25. B.Balachari, S/o.B.Konda, 51 years, Lecturer in Botany, Government Decree College, Jammalamadugu, Cuddapah District.

26. K.Satyanarayana Murthy, S/o.Veereswara Rao, 50 years, Lecturer in Commerce, Government Degree College, Kothapeta, East Godavari District.

27. Dr.C.Govardhana Swamy, S/o.Narasaiah, 53 years, Lecturer in English, Kakatiya Degree College, Hanamkonda, Warangal District.

28. Dr.R.Venkateswara Reddy, S/o.R.Thikka Reddy, 49 years, Lecturer in Botany, Government Degree College (Men), Kurnool.

29. A.P.Muralidas, S/o.Narayana Swamy Patnaik, 48 years, Lecturer in Commerce, Government Degree College, Ichapuram.

30. P.J.M.N.Nirmala, D/o.T.Rajasekhar, 56 years, Lecturer in English,

A.S.Government College, Kakinada, East Godavari District.

31. Dr.S.Prakash Rao, S/o.Veerabhadraiah, 54 years, Lecturer in Telugu, AS Government College, Kakinada, East Godavari District.

32. B.Hemavathi, W/o.Pallaiah, 49 years, Lecturer in Zoology, A.S.G.College (W), Kakinada, East Godavari District.

33. Dr.T.Subbarao, S/o.Brahmananda Sastry, 53 years, Lecturer in Hindi, ASG College (W), Kakinada, East Godavari District.

34. M.V.Ramana, S/o.Venkatappa, 56 years, Lecturer in Maths, SCNR College, Proddatur, Cuddapah District.

35. S.Sidda Reddy, S/o.Abbi Reddy, 56 years, Lecturer in Maths, SCNR College, Proddatur, Cuddapah District.

36. L.Sivalingam Chary, S/o.Nandaiah Achari, 54 years, Lecturer in Maths, SCNR Government College, Proddatur, Cuddapah District.

37. G.Gopalaiah, S/o.Polaiah, 52 years, Lecturer in Chemistry, Government Degree College, Nagari, Chittoor District.

38. D.Vijaya Doss, S/o.J.W.Yesudoss, 65 years, Retd.Lecturer in Economics, Government Degree College, Puttur, Chittoor District.

39. Smt.M.Raja Saraswathi, D/o.Seetha Rama Rao, 49 years, Lecturer in Zoology, Government Degree College, Nandikotkur, Kurnool District.

40. P.S.Prasada Rao, S/o.Satyanandam, 58 years, Retired Lecturer in English, Government Degree College, Yellandu, Khammam District.

41. K.L.Mortin Luthar, S/o.K.P.Arson, 54 years, Lecturer in Chemistry, Government Decree College, Mancherial, Karimnagar District.

42. K.V.J.Narsaiah, S/o.Ramaiah, 50 years, Lecturer in History, Government Degree College, Nandikotkur.

43. Dr.H.Malini Paul, D/o.D.A.Paul,45 years, Lecturer in Political Science, KVR Government College, Kurnool.

44. G.Venkateswarlu, S/o.Venkata Chalapathi, 51 years, Lecturer in Physics, Government Degree College (Men), Cuddapah.

45. M.Sethu Madhava Rao, S/o.Narasimha Rao, 45 years, Lecturer in Physics, SRR College, Karinmagar.

...PETITIONERS

AND

1. The Government of Andhra Pradesh rep.by its Secretary, Department of Higher Education, Secretariat Buildings, Hyderabad.

2. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.

3. T.Bharathi, W/o.Y.Kishore Kumar, 48 years, Lecturer, New Govt.College, Khairatabad, Hyderabad.

4. P.Ratna Prabha, W/o.S.Laxman Rao, 48 years, Lecturer, Govt.City College, Hyderabad.

(R3 and R4 impleaded as per Court order dated 10.12.2004 in W.P.M.P.No.18891 of 1997

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus directing the respondents to implement the judgment in R.P.No.1705 of 1997 and batch dated 02.07.1993 of the Andhra Pradesh Administrative Tribunal, Hyderabad by giving retrospective promotion with effect from 01.04.1976 together with monetary benefit as has been done in the case of private aided colleges and declaring that the action of the respondents in not giving the benefit to the petitioners that was given to private aided colleges is not only illegal but arbitrary and violative of Articles 14 and 16 of the Constitution of India.

Counsel for the Petitioners: MR.M.PANDURANGA RAO

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.7898 of 1997

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ORDER:

Heard both sides.

All the petitioners who are working as junior lecturers invoked the jurisdiction of Article 226 of the Constitution of India. However, having regard to the principles laid down by the Apex Court in ***L.Chandra Kumar v. Union of India***, no such writ would lie and the remedy for the petitioners is to approach the Administrative Tribunal.

In view of the same, the Writ Petition is accordingly dismissed with liberty to the petitioners to approach the Administrative Tribunal within a period of one month from today. It is needless to mention that the time taken during the pendency of this Writ Petition shall be excluded.

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(B.PRAKASH RAO, J)

10th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Government of Andhra Pradesh rep.by its Secretary, Department of Higher Education, Secretariat Buildings, Hyderabad.
2. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad.
3. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.